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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a California public entity,

Defendant.

Case No. 4:24-cv-01562-JST

DECLARATION OF SUSAN PHILIP, MD, MPH, IN SUPPORT OF DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Hearing Date: October 27, 2025
Time: 8:30 a.m.
Place: Courtroom 6, 2nd Floor
1301 Clay Street
Oakland, CA 94612

Trial Date: August 10, 2026

Attachments: Exhibits A-H

1 I, SUSAN PHILIP, declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I have worked on issues related to public health for 20 years.

5 3. I currently work for the San Francisco Department of Public Health (“SFPDH”) where I
6 am the Health Officer for the City and County of San Francisco, and the Director of the Population
7 Health division, a position I have held since 2020.

8 4. I am a licensed physician in California, board certified in internal medicine and
9 infectious diseases, and I received my Doctor of Medicine degree (MD) from Washington University
10 in St. Louis in 1998, I also have a Masters of Public Health degree (MPH) from Harvard University,
11 School of Public Health that I obtained in 2002.

12 5. I am familiar with the SFPDH’s policies on the distribution of safer use supplies,
13 including sterile syringes and smoking supplies, as well as SFPDH’s programs and services related to
14 substance use.

15 6. As a result of my personal experience working to address public health issues,
16 including services related to substance use, I am also familiar with the California Department of
17 Health’s (CDPH) regulation of harm reduction supplies and the state’s harm reduction initiatives. A
18 true and correct copy of a fact sheet published by CDPH with an explanation of California’s Harm
19 Reduction Initiative, is attached hereto as **Exhibit A**. This fact sheet, titled, CDPH Center for
20 Infectious Diseases, Office of AIDS, Fact Sheet: The California Harm Reduction Initiative (CHRI)
21 (Jan. 2023) is also available at
22 https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/CHRI_Factsheet_AD
23 [A.pdf](#). A true and correct copy of a fact sheet published by CDPH with an explanation of California
24 Law and Syringe Services Programs, is attached hereto as **Exhibit B**. This fact sheet, titled, Fact
25 Sheet: California Law and Syringe Services Programs (Apr. 2021) is also available at
26 https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/CA_Law_SSPs_Fact
27 [sheet_ADA%20FINAL%20\(April%202021\).pdf](#).

1 7. CDPH authorizes cities and counties to operate clean needle exchange programs,
2 referred to as “syringe services programs” or “SSPs.” It is my understanding that CDPH publishes its
3 directory of SSPs at:

4 https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_prev_sepdirectory.aspx. A true and correct
5 copy of this directory (last updated: July 31, 2025) is attached hereto as **Exhibit C**.

6 8. It is my understanding that CDPH has made safer smoking supplies, such as glass
7 pipes, cookers, straws, pipe covers, and other materials, available through the CDPH Syringe Supplies
8 Clearinghouse for authorized SSPs to distribute. These supplies are identified in California
9 Department of Public Health, Office of AIDS, “Fact Sheet: Harm Reduction Supplies and the
10 California Harm Reduction Supply Clearinghouse” (Mar. 2022), *available at*
11 https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/HR_Supplies_Clearinghouse_Factsheet_FINAL.pdf. A true and correct copy of which is also attached hereto as **Exhibit**
12 **D**.

14 9. I also understand CDPH has recognized several public health benefits that result from
15 the distribution of the harm reduction items provided by SSPs, including safer smoking supplies.
16 These benefits are identified in California Department of Public Health, Office of AIDS, “Issue Brief:
17 Smoking Supplies for Harm Reduction” (undated), *available at*
18 [https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/IssueBrief_Smoking](https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/IssueBrief_Smoking_Supplies_Web_ADA.pdf)
19 [Supplies_Web_ADA.pdf](https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/IssueBrief_Smoking_Supplies_Web_ADA.pdf). A true and correct copy of which is also attached hereto as **Exhibit E**.

20 SFDPH recognizes the public health benefits identified by CDPH and has integrated these
21 considerations into the revision and ongoing monitoring of the SFDPH safer use supply distribution
22 policy.

23 10. Beginning April 30, 2025, all SFDPH funded programs that distribute any safer use
24 supplies, including sterile syringes and smoking supplies, were also required to include proactive
25 counseling and treatment referrals, in order to ensure better pathways to care and quicker entry to
26 treatment. A true and correct copy of SFPDH’s “New policy for distribution of safer use supplies”
27 dated April 2025, is attached hereto as **Exhibit F**. The policy document attached as Exhibit F is San
28 Francisco’s current policy on this issue. On April 1, 2025, SFDPH sent a letter to all SFDPH funded

1 programs to inform them of this new policy. A true and correct copy of this letter is attached hereto as

2 **Exhibit G.**

3 11. Pursuant to its safer use supplies policy (Exhibit F), San Francisco requires that all
4 SFDPH funded programs must not distribute safer smoking supplies (*i.e.*, foil, pipes, and straws) in
5 public spaces. San Francisco does not prohibit its contractors from providing safer use supplies,
6 including safer smoking supplies (*i.e.*, foil, pipes, and straws) indoors or in SFDPH approved
7 controlled spaces, if otherwise done in accordance with San Francisco's policy.

8 12. San Francisco is committed to improving health on the streets and in our communities,
9 and building a more responsive, proactive behavioral health system to move people into effective
10 treatment and sustained recovery. San Francisco has been expanding treatment beds and services,
11 including in certain shelter settings, accelerating access to stabilization and treatment, removing
12 barriers that prevent people from progressing in treatment and recovery, increasing treatment and
13 recovery options across the spectrum, and providing rapid connection to medications for opioid use
14 disorder including buprenorphine and methadone. San Francisco's approach to improving health on
15 the streets and in our communities also includes evidence-based substance use services or harm
16 reduction strategies, such as overdose prevention, accessible treatment, expanded recovery options,
17 access to housing and social services, and distribution of safer use supplies.

18 13. San Francisco does not directly operate any of the existing smoking supply distribution
19 sites Plaintiffs refer to in their Motion. San Francisco also has no plans to begin operating any new
20 sites to distribute safer smoking supplies in the Tenderloin.

21 14. San Francisco does provide funding to certain contractors who are mentioned in
22 Plaintiff's motion, namely, San Francisco AIDS Foundation ("SFAF") and Glide, as a subcontractor of
23 SFAF. It is my understanding that both SFAF and Glide are California authorized SSPs, and have
24 received grant funding from the state in support of their programs to distribute harm reduction
25 supplies. They also receive harm reduction supplies, including safer smoking supplies, from the state
26 for free to distribute.

27 15. San Francisco provides funds to SFAF who provides a portion to Glide, as a
28 subcontractor of SFAF. San Francisco's funding allows SFAF and Glide to provide important services

1 to the community, including: syringe access and disposal services, HIV & HCV prevention services,
2 overdose prevention and health education, naloxone distribution, linkage and navigation to physical
3 and behavioral health services and housing or shelter, medical care and buprenorphine, and
4 community syringe clean-ups. A true and correct copy of the agreement between SFAF and San
5 Francisco, and the most recent amendment, effective May 21, 2025, is attached hereto as **Exhibit H**.

6 16. San Francisco does not direct SFAF or Glide to use any of its funding to distribute safer
7 smoking supplies to the public through their contractual agreements.

8 17. There are also harm reduction distribution centers in the Tenderloin that distribute safer
9 smoking supplies (*i.e.*, foil, pipes, and straws) to the public that do not receive funds from San
10 Francisco. For example, San Francisco does not provide any funding to San Francisco Drug Users
11 Union, and San Francisco Drug Users Union has not been a subcontractor of SFAF since
12 approximately 2022. San Francisco Drug Users Union operates their harm reduction distribution site
13 at 172 Turk Street. It is my understanding that San Francisco Drug Users Union is also a California
14 authorized SSP, and receives funding from the state to distribute harm reduction supplies, including
15 safer smoking supplies (*i.e.*, foil, pipes, and straws).

16 18. I have also reviewed the video footage attached as Exhibit A to the Declaration of
17 Omar Ward, and I have confirmed that he was filming the San Francisco Drug Users Union harm
18 reduction distribution site at 172 Turk Street, and was not filming a site that is operated by Glide.

19 19. The Tenderloin Linkage Center has been closed since December 4, 2022. San
20 Francisco has no plans to reopen the Tenderloin Linkage Center.

21 I declare under penalty of perjury under the laws of the United States and the State of
22 California that the foregoing is true and correct.

23 Executed on September 19, 2025, at San Francisco, California.

24
25 /s/ Susan Philip

26 SUSAN PHILIP
27
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